

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. NO. 11-cr-20468

Plaintiff,

v.

HON. ARTHUR TARNOW

D-28 PRADEEP PANDYA, R.Ph.
D-29 VIKAS SHARMA, R.Ph.
D-30 MUKESH KHUNT, R.Ph.
D-31 RICHARD UTARNACHITT, M.D.
D-32 RUBEN BENITO, M.D.
D-33 CARL FOWLER, M.D.
D-34 JAVAID BASHIR, M.D.
D-35 RAJAT DANIEL, M.D.
D-37 ATUL PATEL
D-38 ANTHONY MACKLIN, a.k.a. "Jimbo"
D-39 MICHAEL THORAN, a.k.a. "Ace,"

Defendants.

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STIPULATION FOR FINDING OF EXCLUDABLE DELAY

The parties above, by and through their counsel, hereby stipulate and agree that this Court should enter a finding of excludable delay under the Speedy Trial Act as to the above-captioned defendants from April 10, 2013 through January 6, 2014, which is the date the Court has set for the trial of Trial Group 3 in this matter. In support of the stipulation, the parties submit as follows:

This case is exceptionally complex. The volume of discovery in this matter, especially with respect to the six-plus months of wiretap material obtained in the course of the government's investigation, is substantial. A superseding indictment was unsealed on March 19, 2013, and defense counsel for the above-named defendants are just beginning to receive and analyze the voluminous discovery in this case. Defendants need a substantial block of time to

review and assess the discovery in this case, file any appropriate motions, and discuss the prospect of plea agreements in this case. Defendants also need time to prepare for trial if that is how they ultimately decide to resolve the case.

Given the volume of discovery, the scope of the allegations, the need to conduct meaningful plea discussions, and file appropriate motions, it is necessary to continue this trial and to exclude time to enable defense counsel to adequately review all relevant material and to prepare for trial. The parties therefore submit that the ends of justice served by excluding the time between April 10, 2013 and January 6, 2014, outweigh the best interest of the public and the defendants to a speedy trial.

Therefore, the parties above stipulate and agree that the period from April 10, 2013 through January 6, 2014 shall constitute excludable delay under the provisions of 18 U.S.C. § 3161(h)(7)(A), and that the ends of justice served by this delay outweigh the best interests of the defendant and the public in a speedy trial.

IT IS SO STIPULATED.

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Defendants.

**ORDER FOR CONTINUANCE OF TRIAL DATE
AND FINDING OF EXCLUDABLE DELAY**

Upon this Court's consideration of the stipulation of the parties for a finding of excludable delay, the Court being apprised of the circumstances, **IT IS HEREBY ORDERED** that the time period between April 10, 2013, and January 6, 2014, shall be deemed excludable delay as to the above-captioned defendants under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161. Considering the factors listed in section 3161(h)(7)(A), specifically the complexity of the case, especially with respect to the thousands of pages of wiretap material obtained in the course of the government's investigation, the volume of discovery, the large number of defendants, and the need to conduct plea negotiations, the Court concludes that a

delay in the trial date as to these defendants is necessary to enable defense counsel to adequately review the discovery, conduct plea negotiations, and/or to prepare for trial. The Court adopts the reasons set forth in the stipulation of the parties, and finds that this delay is the minimum necessary to afford this set of defendants their right to effective assistance of counsel. This Court finds that the ends of justice served by this delay outweigh the best interests of the defendants and the public in a speedy trial. The Court also notes that the defendant Anthony Macklin has now stipulated to excluding this time, rendering the Government's motion seeking such an exclusion (Docket Entry 863) moot.

IT IS SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
United States District Judge

Entered: April 17, 2013